

REMARKS

The Examiner cited:

Claim 26 is in improper dependent form. Correction or cancellation is required.

Applicant has amended claim 26 in compliance with the Examiner's requirement.

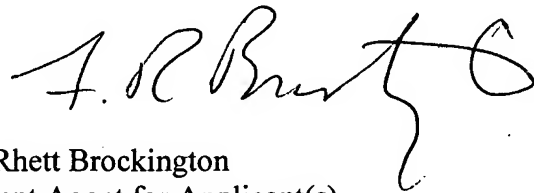
Claims 1-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,919,084 to Maurice ("Maurice'084") in view of U.S. Patent No. 4,128,393 to Sneed ("Sneed"). Sneed teaches a gas burner (3) and thermocouple (2) protected from air-flow by a perforated shield (5) having a shell-like shape. The shield forms a protected air within its confines. The Examiner asserts it would be obvious to modify the burner assembly of Maurice'084 to incorporate the windshield of Sneed.

Examiner admits that Maurice'084 does not teach a windshield, and the Examiner admits that Sneed teaches a perforated shield (5) having a shell-like shape. Applicant's windshield is a partially perforated tubular chamber. Applicant's structural elements are dissimilar, and are not anticipated by Sneed. Sneed's shell-like perforated shield would only provide a protected zone on the leeward side of the shield (5) to the flame (7). The thermocouple (2) is not protected against crosswinds (see Fig.1). Sneed teaches in col. 3, lines 3-5 that "shield 5 is adopted to enclose the space about the flame 7 at the 'back' (i.e., the side of nozzle 3 facing the source of wind gusts or drafts), to the side, and above the flame in a canopy fashion." Note that Sneed does not mention protecting the thermocouple, and has to orient the shield so that it faces the wind. Applicant's windshield provides a tubular chamber, which protects the thermocouple (22) and pilot light flame (56) from crosswinds, and winds from any side of the windshield. The thermocouple (22) and pilot light flame (56) are enclosed within the chamber. No orientation or alignment is required.

Also, Sneed teaches a canopy. If Sneed's windshield were tubular with a canopy, then there would be no way to light the pilot light without serious risk of an explosion, as the gas would be confined. Maurice'084 teaches that the pilot light and thermocouple enter from the side (Fig. 9), where the pilot light is protected and the thermocouple is not. It is unclear how a Sneed shell-like shape windshield could be combined with Maurice'084's ignition assembly (48, 20, 24, and 26), as then the shell-shaped shield would be on its side, and would provide no wind protection or would be orthogonal to the ignition system and, likewise, would provide no wind protection. Applicant's invented tubular shield, vertically mounted, would appear to block Maurice'084's deflector 48, and positioning, as shown, would necessitate that it slide over the gas line (14) and electrical leads (56). Applicant's invention is not obvious by Maurice'084 in view of Sneed. The rejection is respectfully overcome, and should be withdrawn.

In view of the foregoing amendment and these remarks, this application is now believed to be in condition for allowance and such favorable action is respectfully requested on behalf of the Applicant.

Respectfully submitted,



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